THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1472 of 2007

Dated:20.02.2007

Between:

K.Muni Ratnam.

…Petitioner

and

The District Collector and others.

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1472 of 2007

ORDER:

One Tammireddy Timmarusu filed an application under Section 11(a) of the Andhra Pradesh (Andhra Area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 (for short 'the Act'). The Settlement Officer-cum-Joint Collector by order dated 06.01.1987 granted patta in respect of land in old Survey No.43 admeasuring Acs.6.03 cents situated at Settipalli Village of Tirupati (Urban) Mandal, in Chittoor District. Aggrieved by the same, the District Collector preferred a revision under Section 5(2) of the Act unsuccessfully. Again the first respondent preferred a revision under Section 7(d) of the Act before the Commissioner of Appeals, who by order dated 07.10.2004 confirmed the orders of the Director of Settlements. Thereafter, the patta holder sold the land in Survey No.402 (O.S.No.43) to the petitioner under a registered sale deed dated 13.02.2006. Pursuant to such sale, the petitioner is allegedly in possession of the property, and in spite of the same, it is alleged that the third respondent visited the land and threatened to dispossess him. Therefore, he filed the present Writ Petition seeking a direction to the respondents not to dispossess the petitioner.

After getting instructions, learned Assistant Government Pleader for Revenue (General-A) submits that the petitioner is not in possession of the land, that it is kept fallow, and is vacant. This is denied by the learned Counsel for the petitioner. Be that as it is, the grant of patta in

favour of the vendor of the petitioner has not been denied. Therefore, the respondents cannot interfere with the rights of the petitioner. In case of any dispossession or occupation by third parties, the remedy of the petitioner is to approach the civil Court and claim appropriate relief. In such an event, this order shall not inure to the benefit of the petitioner nor the petitioner can claim possession by virtue of this order, if the petitioner is not in possession of the land.

The Writ Petition is accordingly disposed of. No costs.

_____

(V.V.S.RAO, J)

20.02.2007
vs